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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,707	07/20/2000	David Greenblatt	194701US30	5304

22850 7590 02/18/2005

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EXAMINER

NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/575,707

Applicant(s)

GREENBLATT, DAVID

Examiner

Quang N. Nguyen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1,3,5,7,11,13,16,20,22,23 and 28-54.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Detailed Action

1. This Office Action is in response to the Request for Reconsideration filed on 11/15/2004. Claims 1, 3, 5, 7, 11, 13, 16, 20, 22-23, 28-54 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3, 5, 7, 11, 13, 16, 20, 22-23, 31-33, 40-45 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (US 6,104,711), in view of Haitsuka et al. (US 6,505,201), herein after referred as Haitsuka, and further in view of DeGolia, Jr. et al. (US 6,411,615), herein after referred as DeGolia.**

4. As to claims 1, 5 and 11, Voit teaches a method and system for translating textual domain names into telephone numbers, comprising:

obtaining a name address (*URL corresponding to a web page*) and transmitting a name translation request or "query" to the domain name server (Voit, C9: L4-16);

converting the name address (*URL corresponding to a web page*), without user intervention, into a telephone number corresponding to a location at which a provider of the Web page can be contacted (*receiving the domain name query, the domain name server executes a direct look-up table based translation, wherein certain translations of domain names will result in a response or reply message containing a destination telephone number*) (Voit, C4: L29-30, C9: L4-16 and C10: L9-20).

However, Voit does not explicitly teach that obtaining the name address (*i.e., obtaining the URL*) from an address bar of a web browser corresponding to a web page being displayed to a user and visually identifying that the telephone number is known for the URL corresponding to the web page being displayed to the user.

In a related art, Haitsuka teaches a method and system for monitoring the online activities, wherein URLs in the address bar of the browser application are obtained by the monitoring application (Haitsuka, Abstract and C8: L16-30).

In another related art, DeGolia teaches a method and system for enabling Data Network Telephony (DNT) communication through a web page, wherein one or more web pages provided and hosted by server 28 include one or more links (*i.e., including the contact information for the displayed web page*), appearing as icons or text (*i.e., visually identifying*), to embedded IP telephony software on a displayed page. By selecting such a link, an IP call is placed to an agent of a company representing a product or service that maybe advertised on or otherwise associated with the web page (*i.e., a call is made to the telephone number is known for the URL corresponding to the web page being displayed to the user*) (DeGolia, C5:L52 – C6:L7).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Voit, Haitsuka and DeGolia to obtain the URL from an address bar of a web browser corresponding to a web page being displayed to a user and visually identify that the telephone number is known for the URL corresponding to the web page being displayed to the user since such methods were conventionally employed in the art to monitor online activities (*i.e., wherein URLs in the address bar of the browser application obtained by the monitoring application*) (Haitsuka, Abstract and C8: L16-30) and to provide the contact information (*e.g., the telephone number converted from the name address of Voit, or the embedded IP phone module in such interactive web pages of DeGolia*) allowing the system to enable customer/agent interactions in conducting advertising/business associated with the web pages through the provided contact information (DeGolia, C8: L42-45).

5. As to claims 3, 7 and 13 Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11, further comprising controlling a telephone switch to dial the telephone number (Voit, C13:L52 – C14:L16 and DeGolia, C5:L61 – C6:L7).

6. As to claims 16, 20 and 22-23, Voit-Haitsuka-DeGolia teaches the invention as in claims 1 and 5, further comprising establishing a voice-over-IP voice communication connection across a WAN (*and/or the Internet as in Fig. 1 of Voit and in Fig. 2 of DeGolia*) between the user-side and a web page provider-side (Voit, C13:L52 – C14:L16 and DeGolia, C5:L61 – C6:L7).

7. As to claim 31-33, Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11, further comprises obtaining a current URL as each new web page is viewed (Haitsuka, Abstract and C8: L16-65).

8. As to claims 40-45, Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11 further comprises obtaining the telephone number from a local database (*i.e., the domain name processing application 73 executes code to access to translation table 77 and routing control records 81 stored in a database within the storage system portion of the domain name server 51*) (Voit, Fig. 2 and C9: L48-55); or from a remote database (*"Official Notice" is taken that both concept and advantages of employing a remote database to store information are conventionally well known and obvious to one having ordinary skills in the art at the time the invention was made*).

9. As to claims 49-51, Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11, further comprises establishing a voice communications channel between the user side and a web page provider-side using the telephone number (Voit, C13:L52 – C14:L16 and DeGolia, C5:L61 – C6:L7).

10. Claims 52-54 are corresponding claims of claims 1, 5 and 11; therefore, they are rejected under the same rationale.

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11. Claims 28-30 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit-Haitsuka-DeGolia, and further in view of Venkatachary et al. (US 6,411,615), herein after referred as Venkatachary.

12. As to claims 28-30 and 46-48, Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11, but does not explicitly teach obtaining, from a database, a longest matching sub-string of the URL without requiring a complete match of the URL to be found in the database, wherein the longest matching sub-string comprises a longest matching prefix.

In a related art, Venkatachary teaches a system and method of routing data, wherein a router database stores address prefixes to which an address (*or a URL*) can be matched to and the forwarding should occur using the most specific longest prefix match (Venkatachary, C3:L65 - C4:L23 and C5: L60-65).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to implement the invention of Voit-Haitsuka-DeGolia with the idea of longest prefix matching to relate two pieces of data as taught by Venkatachary, since such methods were conventionally employed in the art to allow the system to avoid bottlenecks at high speeds in performing the address lookup and/or in searching string/sub-string for the most specific, most relevant information (*i.e., domain name address, destination IP address, URL, etc.*) in order to optimize the process of forwarding/switching a message in network communications (Venkatachary, C3: L28-34).

13. Claims 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit-Haitsuka-DeGolia, and further in view of Fedorov et al. (US 6,047,060), herein after referred as Fedorov.

14. As to claims 34-39, Voit-Haitsuka-DeGolia teaches the invention as in claims 1, 5 and 11, but does not explicitly teach the step of visually identifying by causing an icon to flash or change color.

In a related art, Fedorov teaches a system and method for enabling full interactive monitoring of calls to and from a call-in center, wherein an audio signal, a flashing icon, or other alert (*such as changing color*) on the desktop might indicate an agent or agents being in a telephone session and also, by clicking on that active icon, the supervisor will be able to monitor, to join/participate in the telephone session.

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to implement the invention of Voit-Haitsuka-DeGolia with the idea of visually identifying by causing an icon to flash or change color as taught by Fedorov, since such methods were conventionally employed in the art of network monitoring to catch the attention of the user in order to alert/notify the user that some function/feature is going on or ready for the user to execute.

Response to Arguments

15. In the Remarks, the Applicant argued in substance that

(A) The Applicant argued that “the Office Action has not identified a supportable basis for its assertion that the references are properly combinable and the Office Action has failed to show that even if the references were combined that they would render obvious each of the positively recited elements of claim 1”.

As to point (A), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, **Voit ('711)** teaches obtaining a name address (URL corresponding to a web page), transmitting a name translation request or “query” to the domain name server (**Voit, C9: L4-16**); and converting the name address (URL corresponding to a web page), without user intervention, into a telephone number corresponding to a location at which a provider of the Web page can be contacted (*receiving the domain name query, the domain name server executes a direct look-up table based translation, wherein certain translations of domain names will result in a response or reply message containing a telephone number*) (**Voit, C4: L29-30, C9: L4-16 and C10: L9-20**).

In a related art, **Haitsuka ('201)** teaches a method and system for monitoring the online activities, wherein URLs in the address bar of the browser application are obtained by the monitoring application (**Haitsuka, Abstract and C8: L16-30**).

In another related art, **DeGolia ('615)** teaches a method and system for enabling Data Network Telephony (DNT) communication through a web page, wherein one or more web pages provided and hosted by server 28 include one or more links (i.e., including the contact information for the displayed web page), appearing as icons or text (i.e., visually identifying), to embedded IP telephony software on a displayed page. By selecting such a link (i.e., by accessing such provided contact information), an IP call is placed to an agent of a company representing a product or service that maybe advertised on or otherwise associated with the web page (i.e., a call is made to the telephone number is known for the URL corresponding to the web page being displayed to the user) (**DeGolia, C5:L52 – C6:L7**).

Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of **Voit, Haitsuka** and **DeGolia** to obtain the URL from an address bar of a web browser corresponding to a web page being displayed to a user and visually identify that the telephone number is known for the URL corresponding to the web page being displayed to the user since such methods were conventionally employed in the art to monitor online activities (i.e., wherein URLs in the address bar of the browser application obtained by the monitoring application) (**Haitsuka, Abstract and C8: L16-30**) and to provide the contact information (e.g., the returned telephone number converted from the name address of

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Voit, or the embedded IP phone module in such interactive web pages of DeGolia) allowing the system to enable customer/agent interactions in conducting advertising/business associated with the web pages through the provided contact information (**DeGolia, C8: L42-45**).

(B) The Applicant argued that “the Office Action attempts to overcome the deficiency by citing not one but two additional references, i.e., the ‘201 and ‘615 patents”.

As to point (B), in response to applicant’s argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Besides, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(C) The Applicant argued that “the information about whether a telephone number is known for the URL of the address bar could be managed by a third party, without the designer of the web page even knowing that such information is being provided”.

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As to point (C), in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (*i.e.*, *"the information about whether a telephone number is known for the URL of the address bar could be managed by a third party, without the designer of the web page even knowing that such information is being provided"*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(D) The Applicant argued that "the Office Action's motivation is based on impermissible hindsight reconstruction by gleaning information recognized only from applicant's disclosure."

As to point (D), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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(E) The Applicant argued that "the arguments that were presented in the previously filed response were not addressed."

As to point (E), Examiner submits that the previous Office Action is a Final Rejection Office Action, wherein the Applicant's arguments as well as request for reconsideration filed on 06/10/2004 have been fully considered but they are moot in view of the new ground(s) of rejection (i.e., in view of the new references of rejection).


16. Applicant's arguments as well as request for reconsideration filed on 11/15/2004 have been fully considered but they are not deemed to be persuasive.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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SUPERVISORY PATENT EXAMINER